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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/731,329

12/09/2003

Robert M. Bernstein

039973-5001

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7590
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EXAMINER

ANYIKIRE, CHIKAODILI E

ART UNIT

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2621

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/731,329		BERNSTEIN ET AL.	
	Examiner		Art Unit	
	Chikaodili E. Anyikire		2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application is responsive to application number (10731329) filed on December 09, 2003. Claims 1-10 are pending and have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 is rejected under 35 U.S.C. 102(b) as being anticipated by Silverstein et al (US 4,646,722).

As per claim 1, Silverstein et al disclose an ultrasonic endoscope functioning as videoscope for examining a surface, said videoscope comprising:

(a) a sensor end having an image detector and at least one sensor selected from the group consisting of an eddy current sensor and an ultrasonic sensor (Fig 1; Col 8 Ln 66 - Col 9 Ln 4);

(b) a handle (Fig 1, 14; Col 5 Ln 16-27); and

(c) an elongated arm that comprises a conduit that connects the sensor end to the handle (Fig 1, 12; Col 5 Ln 16-27);

wherein the conduit houses a link that transmits image information from the image detector through the conduit (Fig 1, 12; Col 5 Ln 1-15); and

wherein the conduit further houses at least first and second working channels that extend from the sensor end to the handle (Fig 1; Col 4 Ln 28-47 and Col 4 Ln 61-67); and

wherein fluid injected at a handle end of the conduit passes through the first working channel, out the sensor end, and onto the surface under examination (Fig 1; Col 5 Ln 28-47)

wherein the second working channel transmits signals from the eddy current or ultrasonic sensor that is passed through the conduit (Fig 1; Col 8 Ln 66 - Col 9 Ln 4).

As per claim 2, Silverstein et al disclose the videoscope of claim 1 further comprising at least one light source positioned at or near the sensor end (Fig 1, Col 5 Ln 16-27).

As per claim 3, Silverstein et al disclose the videoscope of claim 2 further comprising at least one optical fiber adapted to transmit light to the at least one light source, wherein the at least one optical fiber is positioned within the arm (Fig 1, 12) and extends along the length of the arm (Fig 1, Col 5 Ln 16-27).

As per claim 4, Silverstein et al disclose the videoscope of claim 3 wherein the image detecting element is a TV camera (CCD (charge coupled device) is an inherent part of the camera), and the at least one transmission path for transmitting signals from the CCD comprises at least one electrical conductor (Col 5 Ln 1-15).

As per claim 5, Silverstein et al disclose a method of using a videoscope comprising:

using the videoscope (Fig 1) to identify a portion of an assembly to which fluid is to be applied (Col 5 Ln 1-47); and

using the videoscope (Fig 1) to deliver and apply to the identified portion (Col 5 Ln 28-47).

As per claim 6, Silverstein et al disclose the method of claim 5 wherein the fluid delivered is water or a dye (Fig 1; Col 5 Ln 28-47).

As per claim 7, Silverstein et al disclose the method of claim 5 further comprising using the videoscope to place a sensor in contact with the fluid applied to the identified portion of the assembly (Fig 1; Col 5 Ln 1-47 and Col 8 Ln 66 - Col 9 Ln 4).

As per claim 8, Silverstein et al disclose the method of claim 7 wherein the sensor is an ultrasound sensor, the fluid delivered is water, and the method further comprises using the ultrasound sensor to examine the portion of the assembly to which fluid was applied (Fig 1; Col 5 Ln 1-47 and Col 8 Ln 66 - Col 9 Ln 4).

As per claim 9, Silverstein et al disclose the method of claim 5 wherein the fluid is dye or other marking fluid and the method comprises removing a portion of the assembly limiting access to the marked portion of the assembly, and then using the applied marking fluid to re-identify the marked portion of the assembly (Col 5 Ln 28-47)

As per claim 10, Silverstein disclose a videoscope (Fig 1) comprising an elongated arm having at least two working channels (Col 4 Ln 28-47 and Col 4 Ln 61-67).

Other Prior Art Cited

4. The following prior art has been cited as being relevant to the invention of the applicant.

Ohara et al (US 6,468,221) is an ultrasonic endoscope functioning as a videoscope.

Bauer et al (US 5,689,734) is an endoscope functioning as a videoscope.

Leo (US 6,301,566) is an endoscope functioning as a videoscope.

Takada (US 6,224,544) is an apparatus functioning as a videoscope.

Root et al (US 2004/0193016) is an apparatus functioning as a videoscope.

Bass et al (US 4,146,019) is an apparatus functioning as a videoscope.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chikaodili E. Anyikire whose telephone number is (571) 270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272 - 7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CEA


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